

Notice of Allowability

Application No.

09/897,603 ✓

Examiner

Aaron W. Carter

Applicant(s)

KAKU, TOSHIHIKO

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on November 3, 2005.
2. ☒ The allowed claim(s) is/are 1-56.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This action is responsive to papers filed on November 3, 2005.

Response to Amendment

2. In response to applicant's amendment received on November 3, 2005, all requested changes to the claims have been entered.

Response to Arguments

3. Applicant's arguments, see Remarks, pages 30-34, filed November 3, 2005, with respect to claims 1, 12, 23, 35, 47, 50 and 53-56 have been fully considered and are persuasive. The 35 USC 102(e) rejections of claims 1, 12, 23, 35, 47, 50 and 53-56 has been withdrawn.

Allowable Subject Matter

4. Claims 1-56 are allowed.
5. The following is an examiner's statement of reasons for allowance:

As to claims 1, 23, 53 and 55, as suggested in the applicants remarks, pages 30-31, none of the prior art teach or fairly suggests to identify images stored in a image database with the target character therein based on the character information stored in a character information database and the position information of the target character obtained by said character

Art Unit: 2625

positioning unit, in combination with the other limitations of the claims. The prior art of Goldberg, already of record, discloses identifying images of a target character in a database, which also includes determining a relative position of the character, but does not teach or fairly suggest identifying the character based on the character information and the position information as disclosed in claims 1, 23, 53 and 55.

As to claims 12, 35, 50, 54 and 56, as suggested in the applicants remarks, pages 31-32, none of the prior art teach or fairly suggests screening images captured in other areas out of a plurality of images to obtain remaining images and selecting said image having said target character from said remaining images according to said character information, in combination with the other limitations of the claims. The prior art of Goldberg, already of record, discloses identifying images of a target character in a database, which also includes determining a relative position of the character, but does not teach or fairly suggest screening images captured in other areas out of a plurality of images to obtain remaining images as disclosed in claims 12, 35, 50, 54 and 56.

As to claim 47, as suggested in the applicants remarks, pages 33-34, none of the prior art teach or fairly suggests a image identifying unit that identifies substantially all of the plurality of persons in one image included in the image set, based on the character information of the at least one target character in one image and the relative position information of each person in the plurality of persons, the plurality of persons in the rest of the images in the image is identified, in combination with the other limitations of the claim. The prior art of Goldberg, already of

Art Unit: 2625

record, discloses identifying images of a target character in a database, which also includes determining a relative position of the character, but does not teach or fairly suggest identifying a plurality of persons, based on the character info of at least one person and the relative position info of each person in the plurality of persons as disclosed in claim 47.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

awc

Aux


BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600